

- - REMARKS - -

The present amendment replies to a Non-Final Office Action dated September 11, 2002. Claims 1-9 are currently pending in the present application. The Applicant has amended independent claim 1 herein to obviate a 35 U.S.C. §102(a) rejection of independent claim 1. The Applicant has amended claims 2-9 herein to more particularly point out and distinctly claim the present invention in accordance with 35 U.S.C. §112, ¶2. The Applicant has added claims 10-18 to further distinguish the present invention over the art of record.

In the Non-Final Office Action, Examiner Rampuria objected to the length of the abstract. To obviate this rejection and to correct typographical errors and format omissions, the Applicant is concurrently filing a responsive marked-up specification and substitute specification in accordance with 37 CFR §1.125. No new matter was introduced into the substitute specification.

Also the Non-Final Office Action, Examiner Rampuria rejected pending claims 1-9 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.112:

- A. Claims 1 and 2 were rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,192,253 B1 to *Charlier* et al.

The Applicant has thoroughly considered Examiner Rampuria's remarks concerning the patentability of claims 1 and 2 over *Charlier*. The Applicant has also thoroughly read *Charlier*. The Applicant respectfully asserts that *Charlier* teaches away from ("wherein said physically-shortened electric antenna and said microphone are mounted on said casing") as recited in amended independent claim 1.

Specifically, as illustrated in FIG. 5 of *Charlier*, an antenna 36 located in a portion 32 of a wristband to obtain a downward orientation of antenna 36 from a microphone 12 mounted on a casing 18 during an operation of the apparatus. *Charlier* teaches the need for the downward orientation of the antenna 36 from the microphone 12 is to provide for improved signaling with less power, which is due to the antenna 36 being located away from the head and the hand of the user. See, *Charlier* at column 4, lines 55-59. Clearly, a mounting of both antenna 36 and microphone 12 on housing 18 would cause antenna 36 to be near the head and the hand of the user during an operation of apparatus. Thus, *Charlier* unequivocally teaches away from antenna 36 and microphone 12 both being mounted on casing 18, because a mounting of both the antenna 36 and microphone 12 both being mounted on casing 18 would not provide for the improved signaling with less power.

By contrast, the present invention discloses an antenna 102 and a microphone 114 both being mounted on a casing 202 as illustrated in FIGS. 2 and 3 whereby antenna 102 and microphone 114 are near the head and the hand of a user during operation of the apparatus. Moreover, the present invention actually discloses one embodiment having microphone 114 mounted on antenna 102 as illustrated in FIG. 4. The Applicant respectfully asserts that independent claim 1 is patentable over *Charlier*, because *Charlier* clearly teaches away from "wherein said physically-shortened electric antenna and said microphone are mounted on said casing" as recited in amended independent claim 1 and illustrated in FIGS. 2-4 of the present application.

Claim 2 depends from amended independent claim 1. Therefore, dependent claim 2 includes all of the elements and limitations of amended independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claim 2 is allowable over *Charlier* for at least the same reason as set forth with respect to amended independent claim 1. Withdrawal of the rejection of claims 1 and 2 under U.S.C. §102(a) as being anticipated by *Charlier* is therefore respectfully requested.

The Applicant has added an independent claim 10 and claims 11-18 depending from independent claim 10. The Applicant asserts that *Charlier* and the other art of record, particularly U.S. Patent No. 5,467,324, alone or in combination, fail to disclose, teach or suggest "a microphone mounted on said physically-shortened electric" as recited in independent claim 10. An allowance of claims 10-18 over the art of record is therefore respectfully requested.

- B. Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,192,253 B1 to *Charlier* et al. in view of U.S. Patent No. 6,429,829 B1 to *Hirai* et al.

Claim 3 depends from amended independent claim 1. Therefore, dependent claim 3 includes all of the elements and limitations of amended independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claim 3 is allowable over *Charlier* in view of *Hirai* for at least the same reason as set forth with respect to amended independent claim 1. Withdrawal of the rejection of dependent claim 3 under U.S.C. §103(a) as being unpatentable over *Charlier* in view of *Hirai* is therefore respectfully requested.

- C. Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,192,253 B1 to *Charlier* et al. in view of PCT Application No. WO 00/13329 to *Barnard*

Claim 4 depends from amended independent claim 1. Therefore, dependent claim 4 includes all of the elements and limitations of amended independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claim 4 is allowable over *Charlier* in view of *Barnard* for at least the same reason as set forth with respect to amended independent claim 1. Withdrawal of the rejection of dependent claim 4 under U.S.C. §103(a) as being unpatentable over *Charlier* in view of *Barnard* is therefore respectfully requested.

- D. Claims 5, 7 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,192,253 B1 to *Charlier et al.* in view of U.S. Patent No. 5,467,324 to *Houlian*

Claims 5, 7 and 9 depend from amended independent claim 1. Therefore, dependent claims 5, 7 and 9 include all of the elements and limitations of amended independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 5, 7 and 9 are allowable over *Charlier* in view of *Houlian* for at least the same reason as set forth with respect to amended independent claim 1. Withdrawal of the rejection of dependent claims 5, 7 and 9 under U.S.C. §103(a) as being unpatentable over *Charlier* in view of *Houlian* is therefore respectfully requested.

- E. Claims 6 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,192,253 B1 to *Charlier et al.* in view of Great Britain Patent No. 2 036 447 A to *McLean*

Claims 6 and 8 depend from amended independent claim 1. Therefore, dependent claims 6 and 8 include all of the elements and limitations of amended independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 6 and 8 are allowable over *Charlier* in view of *McLean* for at least the same reason as set forth with respect to amended independent claim 1. Withdrawal of the rejection of dependent claims 6 and 8 under U.S.C. §103(a) as being unpatentable over *Charlier* in view of *McLean* is therefore respectfully requested.

SUMMARY

Examiner Rampuria's objection to the abstract has been obviated by the amendment herein of the specification. Examiner Rampuria's 35 U.S.C. §§ 102(b) and 103(a) rejections of claims 1-9 have been obviated by the amendment of independent claim 1 herein. The Applicant respectfully submits that claims 1-9 as amended herein and claims 10-18 as added herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

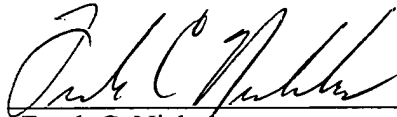
Dated: **January 13, 2003**

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

1. (AMENDED) A body-worn personal communications apparatus, comprising:

[an] a physically-shortened electric antenna;

a transceiver connected to said physically-shortened electric antenna;

a microphone connected to said transceiver; and

a casing, [the casing having disposed within it transceiver circuitry, characterised in that the antenna is a physically-shortened electric antenna]

wherein said transceiver is disposed within said casing, and

wherein said physically-shortened electric antenna and said microphone are mounted on said casing.

2. (AMENDED) [An] The apparatus [as claimed in] of claim 1,
[characterised in that the] wherein said physically-shortened electric antenna is a helical antenna.

3. (AMENDED) [An] The apparatus [as claimed in] of claim 1,
[characterised in that the] wherein said physically-shortened electric antenna is a meander-line antenna.

4. (TWICE AMENDED) [An] The apparatus [as claimed in] of claim 1,
[characterised in that the] wherein said physically-shortened electric antenna is mounted transversely to a plane through [the] said casing.

5. (TWICE AMENDED) [An] The apparatus [as claimed in] of claim 1,
further comprising:

a microphone[, characterised in that the microphone is] located at [the] an end of [the] said physically-shortened electric antenna furthest from [the] said casing.

6. (AMENDED) [An] The apparatus [as claimed in] of claim 5,
[characterised in that the] wherein said physically-shortened electric antenna is
formed from a coaxial cable [and in] that [the coaxial cable] provides electrical
connections between [the] said microphone and [the] said transceiver [circuitry].

7. (AMENDED) [An] The apparatus [as claimed in] of claim 5,
[characterised in that the] wherein said physically-shortened electric antenna is
formed from a hollow wire, [and in that]
wherein a first electrical connection between [the] said microphone and [the]
said transceiver [circuitry] is provided by [the] said hollow wire, and
[in that] wherein a second electrical connection between [the] said microphone
and [the] said transceiver [circuitry] is provided by a conductor enclosed by [the] said
hollow wire.

8. (AMENDED) [An] The apparatus [as claimed in] of claim 6,
[characterised in that the] wherein said microphone provides a low impedance at radio
frequencies[,]
to thereby [enabling the] enable said coaxial cable forming [the] said
physically-shortened electric antenna to act as an inductive stub.

9. (TWICE AMENDED) [An] The apparatus [as claimed in] of claim 5,
[characterised in that the] wherein said microphone provides a top loading to [the]
said physically-shortened electric antenna.